

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 07, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AMADOR SANCHEZ MENDOZA,

Petitioner,

-vs-

UNITED STATES OF AMERICA,

Respondent.

Nos. 2:23-CV-0048-WFN

ORDER DISMISSING PETITION
WITHOUT PREJUDICE FOR
FAILURE TO COMPLY WITH *IN*
FORMA PAUPERIS OR FILING FEE
REQUIREMENTS

Petitioner Amador Sanchez Mendoza filed a *pro se* petition for writ of *habeas corpus* pursuant to 28 U.S.C. § 2241. ECF No. 1. Petitioner failed to pay the filing fee or provide a completed application to proceed *in forma pauperis*.

By letter dated February 17, 2023, the District Court Clerk directed Petitioner to submit a correct and completed Application to Proceed without Prepayment of Fees and Affidavit and provided him the form with which to do so. ECF No. 2. Specifically, the District Court Clerk directed Petitioner to have the "Certificate" portion of the Application properly completed by an Authorized Officer of the prison. *Id.* In the alternative, the District Court Clerk informed Petitioner that he could pay the \$5.00 filing fee. *Id.* Petitioner neither paid the filing fee nor submitted a correct and completed application to proceed *in forma pauperis* as directed.

On May 30, 2023, the Court directed Petitioner to either complete the *in forma pauperis* application or pay the filing fee. ECF No. 3. The Court advised Petitioner that it would dismiss the case if he failed to do so within thirty days. Petitioner still has not completed the application or paid the filing fee.

The Court has reviewed the file and is fully informed. Accordingly,

IT IS ORDERED that:

2. The Clerk's Office is directed to **ENTER JUDGMENT** against the Petitioner and **CLOSE** this file.

2. The Clerk's Office is directed to **ENTER JUDGMENT** against the Petitioner and **CLOSE** this file.

3. The Court certifies that an appeal from this decision could not be taken in good faith and there is no basis upon which to issue a certificate of Appealability. *See* 28 U.S.C. §§ 1915(a)(3), 2253(c); Fed. R. App. P. 22(b).

The District Court Executive is directed to file this Order **AND** provide a copy to Petitioner.

DATED this 7th day of August, 2023.

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WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE

08-04-23

¹ "The district court may apply any or all of these rules to a habeas corpus petition not covered by Rule 1(a)." Rule 1(b), Rules Governing Section 2254 Cases in the United States District Courts.